

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DAREK J. GIANCOLA,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

NO. CV-07-0044-AMJ

ORDER ADOPTING REPORT
AND RECOMMENDATION

BEFORE THE COURT for resolution is the Report and Recommendation entered on September 26, 2007 (**Ct. Rec. 24**), recommending that Defendant's Motion for Summary Judgment (**Ct. Rec. 20**) be **granted** and Plaintiff's Motion for Summary Judgment (**Ct. Rec. 13**) be **denied**. Plaintiff timely filed objections on October 3, 2007. (**Ct. Rec. 25.**) Having reviewed the report and recommendation, and the objections thereto, the court adopts the magistrate judge's report and recommendation in its entirety.

IT IS HEREBY ORDERED that the Report and Recommendation (**Ct. Rec. 24**) to grant Defendant's Motion for Summary Judgment and deny Plaintiff's Motion for Summary Judgment is **ADOPTED in its entirety**. The Commissioner's decision to deny Plaintiff benefits is **Affirmed**.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and an Order of Judgment, forward copies to counsel, and close the file.

DATED this 23rd day of October, 2007.

s/ Fred Van Sickle

FRED VAN SICKLE
UNITED STATES DISTRICT JUDGE